



*Draft Environmental Assessment
for the*

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Proposed Courthouse Annex
Norfolk, Virginia**



Responsible Agency:

**General Services Administration
Region 3**

April 2006



Appendix C
Rights and Benefits Under the
Uniform Relocation Assistance Act

Rights and Benefits Under the Uniform Relocation Assistance Act

A. INTRODUCTION

Government programs designed to benefit the public as a whole may result in the acquisition of private property, and sometimes in the displacement of people from their residences, businesses, or farms. As a means of providing uniform and equitable treatment for those persons displaced, the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970* (42 USC Section 4601, et seq.) and the appendix has been prepared to assist those persons who may be displaced as a result of a Federal undertaking by providing general information regarding relocation assistance advisory services and relocation payments. Further information regarding relocation policies and provisions is available from the General Services Administration.

B. RELOCATION ASSISTANCE ADVISORY PROGRAM

In general, the Agency that undertakes an action leading to the displacement of any person, business or farm offers advisory services and administers benefits locally under the URA. A displaced person is defined as any individual, family, partnership, association or corporation, including farms and nonprofit organizations, that moves from real property as a direct result of the following:

- The acquisition of real property, in whole or in part;
- A written notice of intent from the Agency to acquire;
- The initiation of negotiations for the purchase of the real property by the Agency; or
- A written notice requiring a person to vacate real property for the purpose of rehabilitation or demolition of the improvement(s), provided the displacement is permanent and the property is needed for a Federal or Federally assisted program or project.

As soon as feasible, a person scheduled to be displaced shall be furnished with a general written description of the Agency's relocation program. The relocation program must, at a minimum, accomplish the following:

- Inform the person that he or she may be displaced for the project and generally describe the relocation payment(s) for which the person may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment(s);
- Inform the person that he or she will be provided with reasonable relocation advisory services;

- Inform the person that he or she will not be required to move without at least 90 days advance written notice and inform any person to be displaced from a dwelling that he or she cannot be required to move permanently unless at least one comparable replacement dwelling has been made available; and
- Describe the person's right to appeal the Agency's determination as to a person's application for assistance.

The Agency may issue the notice no less than 90 days before it expects the person to be displaced. The notice shall state either the specific date or the earliest date by which the occupant may be required to relocate, or state that the occupant will receive a further notice indicating, at least 30 days in advance, the specific date by which he or she must relocate. If the 90-day notice is issued before a comparable replacement dwelling is made available, the notice must state clearly that the occupant will not have to be relocated earlier than 90 days after such a dwelling is made available.

The Agency will also provide a relocation counselor or other reasonable relocation advisory services to supply information to displaced persons. The relocation counselor is required to interview displaced persons personally in order to do the following:

- Determine their needs and preferences in replacement properties;
- Explain relocation benefits;
- Explain that the person cannot be required to move unless at least one comparable replacement property is made available;
- Provide current and continuing information on the availability, purchase price, and rental costs of comparable properties;
- Provide the amount of the replacement housing payment in writing;
- Inspect houses for decent, safe, and sanitary acceptability;
- Supply information on other Federal and state programs offering assistance to displaced persons; and
- Provide counseling to minimize hardships.

The Agency shall carry out the relocation assistance advisory program in a manner that satisfies the requirements of Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq.), Title VIII of the Civil Rights Act of 1968 (42 USC 3601 et seq.), and Executive Order 11063 (27 FR 11527, November 24, 1962) as amended by Executive Order 12259 (46 FR 1253).

C. MOVING COSTS

1. Individuals and Families

Regarding moving costs, displaced individuals have the option to be paid in one of two ways: in actual reasonable moving costs or according to a fixed moving cost schedule.

a. Actual Reasonable Moving Costs

The displaced individual or family has the option of being compensated for actual reasonable moving costs by a professional plus moving expenses, or for moving himself. Reimbursement will be limited to a 50-mile distance in most cases. Related expenses may include the following:

- Packing and unpacking personal property;
- Disconnecting and reconnecting household appliances;
- Temporary storage of personal property;
- Insurance while property is in storage or transit;
- Transfer of telephone service and other similar utility reconnections; and/or
- Other expenses considered eligible by the Agency.

To be entitled to reimbursement, all expenses must be considered necessary and reasonable by the Agency and must be supported by paid receipts or other evidence of expenses incurred.

b. Fixed Moving Cost Schedule

A fixed moving cost schedule is established for each state of residence. The amount of the payment is based on the number of rooms in the displaced dwelling. The relocation counselor will advise on the actual amount of payment that the displaced person will be eligible to receive under this option. The schedule is designed to include all of the expenses incurred in moving, including those services that must be purchased from others. Receipts and other evidence of expenses are not necessary for payment under this option.

2. Businesses, Farms, and Nonprofit Organizations

a. Actual Reimbursable Moving Costs

Action reasonable moving expenses may be paid when the move is performed by a professional mover or if the displaced entity moves itself. Actual reasonable moving costs include personal property losses, expenses in finding a replacement location, and re-establishment expenses. All expenses must be documented to qualify for payment.

b. Fixed Payment (in Lieu)

Displaced entities may be eligible for a fixed payment of not less than \$1,000 or more than \$20,000 in lieu of the payments noted above. The fixed payment is based on a two-year average of the annual net earnings of a business or farm operation. To qualify for a fixed payment, certain conditions must be met. The Agency must determine that:

- The business owns or rents personal property that must be relocated due to the displacement;
- The business cannot be relocated without a substantial loss of its existing patronage;
- The business is not part of a commercial enterprise having more than three other businesses engaged in the same or similar activity that are under the same ownership and are not being displaced by the Agency; and
- The business contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

Any business engaged solely in the rental of space to others is not eligible for a fixed payment. This includes the rental of space for either residential or business purposes.

D. REPLACEMENT HOUSING

1. Comparable Replacements

Replacement housing should be the functional equivalent of the displaced housing. However, this does not mean the replacement housing should be identical to the displaced dwelling. A comparable replacement dwelling should be capable of contributing to a comparable style of living and should contain amenities similar to those found in the displaced dwelling. The replacement dwelling should also be:

- Adequate in size to accommodate the occupants;
- Located in an area that is not less desirable than the displaced person's present location with respect to public utilities and commercial and public facilities;
- Located in an area that is not subject to unreasonably adverse environmental conditions;
- Reasonably accessible to the displaced's place of employment;
- Located on a site that is typical in size for residential development with normal site improvements;
- Currently available on the private market; and
- Within the financial means of the displaced person.

Where possible, three or more comparable replacement dwellings shall be made available. A comparable replacement dwelling will be considered to have been made available to a person if:

- The person is informed of its location;
- The person has sufficient time to negotiate and enter into a purchase agreement or lease for the property; and
- Subject to reasonable safeguards, the person is assured of receiving the relocation assistance and acquisition payment in sufficient time to complete the purchase or lease of the property.

2. Decent, Safe, and Sanitary Housing

Replacement housing must be decent, safe, and sanitary (DSS), which means that it meets all minimum Federal regulations and conforms to applicable housing and occupancy codes. The dwelling shall:

- Be structurally sound, weathertight, and in good repair;
- Contain a safe electrical wiring system adequate for lighting and electrical appliances;
- Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees Fahrenheit) except in those areas where local climatic conditions do not require such a system;
- Be adequate in size with respect to the number of rooms and area of living space to accommodate the displaced person(s);
- Contain a well-lit and well-ventilated bathroom providing privacy to the user and containing a sink bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate potable water source and sewage system;
- Contain a kitchen area with a fully usable sink, properly connected to a potable hot and cold water source and a sewage system, with adequate space and utility connections for a stove and refrigerator;
- Have unobstructed egress to safe, open space at ground level; and
- Be free of any barriers that prevent reasonable ingress, egress or use of the dwelling in the case of a person with a disability who is displaced.

E. REPLACEMENT HOUSING PAYMENTS

1. Purchase Supplement

Owners who were in occupancy 180 days or more prior to the initiation of negotiations may be eligible for a purchase supplement up to a total of \$22,500 or a rental assistance payment

up to \$5,250. To qualify the displaced person must purchase and occupy a DSS replacement dwelling within one year from displacement or vacating or the effective date of vacating pursuant to notice. The purchase supplement includes the following.

a. Price Differential

The price differential payment is the amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling. The price differential payment is in addition to the fair market acquisition price paid for the property. For example, if the acquisition cost of the displacement property is \$100,000, and the Agency computes the cost for a comparable DSS replacement property as \$116,500, the price differential payment would be \$16,500. However, if the displaced person paid \$120,000 for new housing when the Agency computed \$116,500 as the cost of a comparable replacement, the displaced person would be responsible for the \$3,500 difference between \$116,500 and the excess purchase price.

b. Increase Mortgage Interest Costs

If the acquired dwelling was encumbered by a bona fide mortgage for at least 180 days prior to the initiation of negotiations, the displaced person may be reimbursed for increased mortgage interest costs if the interest rate on the new dwelling exceeds that on the existing mortgage.

c. Incidental Expenses

The displaced person may also be reimbursed for other reasonable expenses associated with closing title on the replacement property, such as a title search, recording fees, and termite and structural inspections, but not prepaid expenses such as real estate taxes and property insurance.

2. Rental Assistance

Owner-occupants and tenants of 90 days or more may be eligible for a rental assistance payment. To be eligible for a rental assistance payment, tenants, and owners must have been in occupancy for at least 90 days immediately preceding the initiation of negotiations for the acquisition of the property.

This payment is available if the cost of rent and utilities for a comparable DSS replacement dwelling is higher than the displaced person has been paying. To qualify, the displaced must rent and occupy the DSS replacement dwelling within one year. The Agency will determine the maximum payment to which the displaced is eligible. The rental assistance payment will be paid in a lump sum unless the Agency determines that the payment should be paid installments. Total payment may be up to \$5,250 for a 42-month period.

3. Downpayment

Owner-occupants of 90 to 179 days and tenants of 90 days or more may be eligible for a downpayment and incidental expenses, not to exceed \$5,250. The Agency will determine the maximum downpayment that the displaced may be eligible to receive based on its computation for rental assistance payment, or a maximum of \$5,250. The combined amount of downpayment

and incidental expenses (title search, recording fees, etc.) cannot exceed the maximum payment of \$5,250.

F. HOUSING OF LAST RESORT

In event that an adequate supply of replacement sale or rental housing is not available to the displaced, the Agency is authorized to provide replacement housing through the administrative process known as Housing of Last Resort. If comparable DSS housing is not available, or it is not available within the maximum \$5,250 or \$22,500 payment limits, it must be provided before any displacement can occur. The Agency may provide the necessary housing in a number of ways, including the following:

The purchase of an existing comparable residential property, making it available to the displaced person in exchange for the displacement property;

The relocation and rehabilitation (if necessary) of a dwelling purchased from the project area by the Agency and making it available to the displaced;

The purchase of land and the construction of a new replacement dwelling comparable to a particular displacement property when comparable replacement dwellings are not otherwise available;

The purchase of an existing dwelling, removal of barriers and/or rehabilitation of the structure to accommodate a handicapped displaced person when suitable comparable replacement dwellings are not otherwise available;

A replacement housing payment in excess of the maximum \$5,250 or \$22,500 payment limits; or

A direct loan that will enable the displaced person to construct or contract for the construction of a DSS replacement dwelling.

All eligible displaced persons have freedom of choice in the selection of replacement housing, and the Agency will not require an displaced person, without his/her written consent, to accept a replacement dwelling provided by the Agency. If a displaced person decides not to accept the replacement housing offered by the Agency, the displaced person may secure a replacement dwelling of his/her choice, provided that it meets DSS housing standards.

G. BUSINESSES, FARMS, AND NONPROFIT ORGANIZATIONS

1. Direct Losses of Tangible Personal Property

Displaced businesses, farms, and nonprofit organizations may be eligible for a payment for the actual direct loss of tangible personal property incurred as a result of the move or discontinuance of the operation. This payment will be based on the value of the item for continued use at the displacement site less the proceeds from its sale or the estimated cost of moving the item, whichever is less.

2. Searching Expenses for Replacement Property

Displaced businesses, farms, and nonprofit organizations are entitled to reimbursement for actual reasonable expenses incurred in searching for a replacement property, not to exceed \$1,000. Expenses may include transportation, meals and lodging when away from home; the reasonable value of time spent during the search; fees paid to real estate agents, brokers or consultants; and other expenses determined to be reasonable and necessary by the acquiring agency.

A small business, farm or nonprofit organization may be eligible for a payment not to exceed \$10,000, for expenses actually incurred in relocating and re-establishing the enterprise at a replacement site. To qualify, the business, farm or nonprofit organization must have at least one but not more than 500 employees working at the site being affected who will be displaced by a program or project.

a. Re-establishment Expenses

Re-establishment expenses may include, but are not limited to, the following:

- Repairs or improvements to the replacement real property required by Federal, state or local laws, codes or ordinances.
- Modifications to the replacement real property to make the structure(s) suitable for the business operation.
- Installation of exterior advertising signs, not to exceed \$1,500.
- The cost of installing utilities from the right-of-way line to the structure(s) or improvements on the replacement site.
- Redecoration or replacement such as painting, wallpapering, paneling, and carpeting when required by the condition of the replacement site.
- The cost of license fees and permits when not covered as a moving expense.
- Marketing studies, feasibility surveys, and soil testing.
- Advertising the new business location, not to exceed \$1,500.
- Professional real estate services needed for the purchase or lease of a replacement site.
- The estimated increased costs of operation at the replacement site during the first two years, not to exceed \$5,000, for items such as the following:
 - Lease or rental charges;
 - Personal or real property taxes;
 - Insurance premiums; and

- Utility charges (excluding impact fees).
- One-time assessments or impact fees for anticipated heavy utility usage.
- Other items that the Agency considers essential for the re-establishment of the business or farm.
- In certain circumstances, at the discretion of the Agency, re-establishment costs that exceed the maximums noted above may be considered eligible if excessive costs are encountered at the replacement site.